

Message Text

UNCLASSIFIED

PAGE 01 FRANKF 06226 191110Z
ACTION PPTE-00

INFO OCT-01 ISO-00 SCA-01 L-03 SCS-05 EUR-12 /022 W
-----098346 191123Z /10

P R 191014Z AUG 77
FM AMCONSUL FRANKFURT
TO SECSTATE WASHDC PRIORITY 9076
INFO AMEMBASSY BONN

UNCLAS FRANKFURT 6226

DEPARTMENT PLEASE ALSO PASS L.

E.O. 11652: N/A
TAGS: CPAS, GW, CFED, (CLAUSS, STEVEN B.)
SUBJ: POSSIBLE CITIZENSHIP LOSS THROUGH SERVICE IN GERMAN ARMED
FORCES

REF: (A) 76 STATE CA-1423, (B) FRANKFURT'S OM, AUG 3,
1976, (C) DEPARTMENT'S OM, SEPT 24, 1976, (D) SECTION
349(A)(3) INA.

1. REF OM'S DEALTH WITH REQUEST BY CLAUSS FOR DETERMI-
NATION WHETHER LOSS OF U.S. CITIZENSHIP WOULD RESULT
THROUGH INDUCTION IN GERMANY ARMY. CLAUSS IS DUAL GERMAN-
U.S. CITIZEN BOTH LONG ISLAND, NEW YORK, OCTOBER 6, 1957
OF GERMAN FATHER AND U.S. CITIZEN MOTHER.

2. CONSULATE GENERAL HAS RECEIVED LETTER FROM GERMAN
MINISTRY OF DEFENSE STATING CLAUSS NOW SCHEDULED FOR
INDUCTION OCTOBER 1977 AND ASKING FOR DETERMINATION
IN ADVANCE WHETHER LOSS OF U.S. CITIZENSHIP WOULD RESULT.
LETTER ADDS THAT MINDEF CONSULTED WITH LEGAL ADVISER,
GFR EMBASSY WASHINGTON AND RECEIVED REPLY FROM THE
EMBASSY THAT "INVOLUNTARY SERVICE IN THE ARMY OF A
STATE OTHER THAN THE UNITED STATES IS NOT CONSIDERED
TO BE AN ACT OR DECLARATION OF INTENT DEMONSTRATING
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 FRANKF 06226 191110Z

THAT THE SUBJECT WISHES TO RELINQUISH AMERICAN CITIZEN-
SHIP, AND THAT THEREFORE HE DOES NOT LOSE AMERICAN
CITIZENSHIP."

3. MINISTRY LETTER CONTINUES "THE OPINION OF THE LEGAL
COUNSELOR OF THE GERMAN EMBASSY IN WASHINGTON CON-
FIRMS THE CORRECTNESS OF THE PAST EXPERIENCES IN

INDUCTION WHEREBY A DUAL NATIONAL WHO INVOLUNTARILY SERVES IN THE ARMY OF ANOTHER COUNTRY DOES NOT LOSE HIS U.S. CITIZENSHIP, NOT EVEN WHEN TAKING, AGAIN INVOLUNTARILY, THE REQUIRED OATH INVOLVED." NOTING THAT CLAUSS IS SCHEDULED FOR INDUCTION IN OCTOBER 1977, THE MINISTRY ASKS "FOR THE COUMMUNICATION OF ANY SERIOUS OBJECTIONS, BASED ON THE REASONS ABOVE STATED, AGAINST THE INTENTION TO CALL MR. CLAUSS FOR BASIC MILITARY SERVICE."

4. IN REF (C) THE DEPARTMENT STATED THAT IT CANNOT STATE WHETHER CLAUSS HAS MADE AN EXPATRIATING ACT UNTIL AFTER THE FACT. GIVEN THE FREQUENCY OF THIS TYPE OF CASE THE DEPARTMENT SHOULD BE ABLE TO MAKE A DETERMINATION IN ADVANCE. IN OUR JUDGMENT, CLAUSS HAS ADEQUATELY DEMONSTRATED THAT IF HE DOES SERVE IN THE GERMAN ARMY IT WILL NOT BE WITH ANY INTENT OF GIVING UP HIS AMERICAN CITIZENSHIP.

5. FURTHERMORE, THE U.S. IS CLOSELY ASSOCIATED WITH THE FRG IN A DEFENSIVE MILITARY ALLIANCE. IT WOULD BE INCONGRUOUS FOR THE U.S. TO SUGGEST ADVERSE CONSEQUENCES COULD RESULT FOR THE INDIVIDUAL IF HE COMPLIES WITH A LEGAL REQUIREMENT OF THE FRG DESIGNED TO MAKE THAT ALLIANCE EFFECTIVE.
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 FRANKF 06226 191110Z

6. THE DEPARTMENT'S EARLY REPLY WILL BE APPRECIATED SO THAT WE MAY INFORM MINDEF AND CLAUSS SHOULD HE CONTACT US AGAIN. LEHMANN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 19-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977FRANKF06226
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770299-1234
Format: TEL
From: FRANKFURT
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770845/aaaablqw.tel
Line Count: 98
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: af220358-c288-dd11-92da-001cc4696bcc
Office: ACTION PPTE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE A-1423
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1552501
Secure: OPEN
Status: NATIVE
Subject: POSSIBLE CITIZENSHIP LOSS THROUGH SERVICE IN GERMAN ARMED FORCES
TAGS: CPAS, CFED, GE, (CLAUSS, STEVEN B)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/af220358-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009